

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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DOC #:  
DATE FILED: 02/21/2023

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ENRIQUE OSORIO FRANCO, on behalf of :  
himself and a class of similarly situated investors, :  
 :  
Plaintiff, :  
 :  
-against- :  
 :  
SPECTRUM PHARMACEUTICALS, INC., :  
THOMAS J. RIGA, FRANCOIS J. LEBEL., and :  
NORA E. BRENNAN, :  
Defendants. :  
-----X

22-CV-10292 (VEC)

MEMO ENDORSED

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-----X  
WILLIAM CUMMINGS, on behalf of himself :  
and a class of similarly situated investors, :  
 :  
Plaintiff, :  
 :  
-against- :  
 :  
SPECTRUM PHARMACEUTICALS, INC., :  
THOMAS J. RIGA, FRANCOIS J. LEBEL., and :  
NORA E. BRENNAN, :  
Defendants. :  
-----X

22-CV-10677 (VEC)

-----X  
-----X  
LUIS CARNEIRO, on behalf of himself and a :  
class of similarly situated investors, :  
 :  
Plaintiff, :  
 :  
-against- :  
 :  
SPECTRUM PHARMACEUTICALS, INC., :  
THOMAS J. RIGA, FRANCOIS J. LEBEL., and :  
NORA E. BRENNAN, :  
Defendants. :  
-----X

23-CV-767 (VEC)

**ORDER:**

VALERIE CAPRONI, United States District Judge:

WHEREAS on February 17, 2023, the Court received multiple applications for appointment as lead plaintiff(s) in this consolidated action;

WHEREAS pursuant to 15 U.S.C § 78u-4a(3)(B) the Court is required to determine the “most adequate plaintiff” in this action by reference to which of the applicants “has the largest financial interest in the relief sought by the class,” *id.* at § 78u-4a(3)(B)(iii)(I)(bb), and “otherwise satisfies the requirements of Rule 23,” *id.* at § 78u-4a(3)(B)(iii)(I)(cc); and

WHEREAS the presumption that an applicant or group of applicants is the most adequate plaintiff may be rebutted by evidence that it “will not fairly and adequately protect the interests of the class” or is “subject to unique defenses that render such plaintiff incapable of representing the class,” *id.* at § 78u-4a(3)(B)(iii)(II)(aa)-(bb).

IT IS HEREBY ORDERED that:

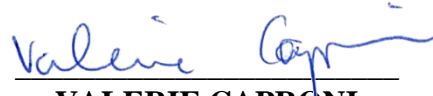
1. The applicants shall have until **March 3, 2023**, to submit rebuttal evidence as to the financial interest in the relief sought by the class and the adequacy and typicality of any of the other applicants, as well as any opposition to other applicants’ selection of lead counsel. Each applicant or group of applicants may make only one submission and each submission shall be no more than 10 pages, including any appendices or attorney declarations.
2. Each applicant or group of applicants may, but is not required to, submit a reply in support of their application by **March 8, 2023**. Rebuttal submissions shall be limited to 5 pages, including any appendices or attorney declarations.

Any applicant or group of applicants who believes that its rebuttal or reply submissions should be filed under seal is respectfully directed to the Court’s Individual Rules of Practice in

Civil Cases, which may be found on the Court's website: <https://nysd.uscourts.gov/hon-valerie-e-caproni>.

**SO ORDERED.**

**Date: February 21, 2023**  
**New York, New York**

  
**VALERIE CAPRONI**  
**United States District Judge**